

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KEVIN L. DICKENS,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 04-201-JJF
	:
COMMISSIONER STANLEY TAYLOR,	:
et al.,	:
	:
Defendants.	:

MEMORANDUM ORDER

Plaintiff Kevin Dickens filed a Motion For Extension Of Time TO Effect Service Of Process Pursuant To Fed.R.Civ.P. 4(m) which seeks a 90 day extension to serve Defendants Moran, Harris, and Neal, and a Court order instructing the United States Marshal on how to properly serve those Defendants. (D.I. 140.) Defendant Thomas Carroll responded on behalf of the Defendants in opposition to the motion. (D.I. 142.)

Pursuant to the Status Conference held on December 3, 2009, the Court concludes that the Motion should be granted because, (1) the case was initiated as a pro se case, and still had that status when the service was returned unexecuted, (2) Plaintiff's counsel entered the case through the panel system which creates a compelling circumstance, and (3) the three Defendants in question are central actors to the action.

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion For Extension Of Time To Effect Service Of Process Pursuant To

Fed.R.Civ.P. 4(m) (D.I. 140) is GRANTED.

IT IS FURTHER ORDERED that, as requested by Plaintiff's Motion, Plaintiff will re-issue new USM-285 forms for Defendants Moran, Neal, and Harris, to the United States Marshall; upon receipt of the forms the United States Marshal shall inquire as to the Defendants' last known address and attempt service at that address if such Defendant cannot be served at the prison.

IT IS FURTHER ORDERED that following the service of Defendants Moran, Harris, and Neal, Defendants shall have 60 days for discovery at the end of which Defendants will inform the Court of their status, and may file leave for additional time and/or a summary judgment motion.

IT IS FURTHER ORDERED that the pre-trial conference scheduled for December 10, 2009, is cancelled, as well as the obligations required by it.

December 3, 2009
DATE


UNITED STATES DISTRICT JUDGE